

Senate Bill 952, An Act Concerning A Second Chance Society

Testimony of Karen Buffkin, General Counsel to Governor Dannel P. Malloy

Judiciary Committee
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Good morning Senator Coleman, Representative Tong, Senator Kissell, Representative Rebimbas and distinguished members of the Judiciary Committee. I'm Karen Buffkin, General Counsel to Governor Dannel P. Malloy.

Thank you for the opportunity to testify before you today regarding **Senate Bill 952, An Act Concerning A Second Chance Society**

This legislation, in addition to the non-legislative policies that Governor Malloy has proposed, will allow our state to take critical steps to remedy over incarceration of non-violent offenders and also increase opportunities for nonviolent ex-offenders to be successfully re-integrated into our communities and become productive members of Connecticut's economy.

Before I elaborate, I'd like to highlight the Governor's commitment to this issue. From the Governor's first day in office, he has been focused on reducing violent crime. By directing the state's resources toward reducing violence in high crime communities, overall crime in Connecticut, as defined by the FBI, is at a historic 48-year low. In addition, our three largest cities, where we've implemented Project Longevity and focused on community policing, have experienced a 50 percent reduction in fatal shootings since 2011.

In order to further reduce crime and restore confidence in the criminal justice system, this bill makes statutory changes that enable us to further reduce violent crime while removing barriers to employment and help low-level, nonviolent, and repeat offenders reintegrate into society. The two major areas that SB 952 focuses on are (1) changes to reduce the penalty for simple drug possession, and (2) changes to the Board of Pardons and Paroles to make that Board more efficient and effective.

Changes to Drug Possession Laws

Connecticut is one of only a few states that treats drug possession as an unclassified felony. This policy is particularly damaging and creates a disproportionate impact in our urban communities, where the crime of possession carries a mandatory sentence in geographical areas that cover nearly entire cities. To help remedy this issue, this bill:

- Reclassifies the penalty for simple drug possession from a felony to a misdemeanor; and
- Eliminates mandatory sentences for simple drug possession, leaving intact a judge's discretion to impose an appropriate range of sentences based on the facts and circumstances of each individual case.

Antiquated policies that treat crimes such as simple drug possession as a felony have led to swollen prisons, as well as broken families and communities. This bill is in line with a national consensus being led by states known for being tough on crime, such as Texas. More specifically, California and Utah

recently repealed ineffective drug policies that perpetually punish nonviolent offenders, giving law enforcement and judges the resources to focus on more serious crimes.

Changes to the Board of Pardons and Paroles

Too often, low-risk, non-violent offenders sit in prison longer than intended, simply because the Parole Board cannot hear their cases in a timely fashion. There is a large group of individuals incarcerated for non-violent offenses who are eligible for parole after serving 50% of their sentence, and yet due to a backlog at the Board of Pardons and Paroles, these individuals do not have a parole hearing until they have served close to 65% of their sentence or more.

Additionally, for many ex-offenders, employment is a practical impossibility because of a felony conviction from years ago. Even when an individual is eligible for a pardon, it currently takes at least a year and a half after an individual's pardon eligibility date before they are scheduled for a pardon hearing.

To address these issues, this bill:

- Provides the Board of Pardons and Paroles more full time members in order to make the board more efficient;
- Creates an expedited parole review option to reduce backlog and make the parole process more efficient and effective; and
- Streamlines the expedited pardons process to give ex-offenders a greater chance at employment;
- Requires the Board to develop a "pardon eligibility notice" that contains information explaining the pardons process, and that such notice be provided to a person at the four different times while they are under the control of the State.

As the Governor has stated many times, the road to full citizenship and a genuine second chance should not be paved with legal land mines.

Conclusion

For decades, the prison population in the State of Connecticut hovered around 3,000 inmates; however this number swelled to close to 20,000 by 2008 as a result of the "tough on crime" era. We now know see the unintended consequences of these policies have that created a class of ex-offenders who cannot find jobs, cannot find housing, and very often, cannot break the cycle of recidivism.

Over the past four years, we have charted a new course for criminal justice reform in Connecticut. We have reformed Connecticut's juvenile justice system, transformed our state's crime lab into one of the best in the nation, and gotten dangerous guns and ammunition off our streets. These policies, and the legislation being proposed today, allow law enforcement the time to focus direct their resources on violent crime. As a result of this effort, crime in Connecticut is at a historic 48-year low. This legislation is the next step in the process to keep Connecticut on the right track.

Punishment for non-violent offenses should not last a lifetime, and should not destroy a person's hope for redemption or a better future. It is time to give these individuals a second chance.

Thank you for the opportunity to testify today, and I urge your support of **SB 952, An Act Concerning A Second Chance Society**. I am happy to answer any questions you may have.